

Senate Bill 52

By: Senators Smith of the 52nd, Harp of the 29th, Carter of the 13th, Hill of the 32nd, Wiles of the 37th and others

**AS PASSED**

**AN ACT**

To amend Code Section 19-11-5 of the Official Code of Georgia Annotated, relating to debt to state created by payment of public assistance, so as to provide for the waiver, reduction, or negotiation of the payment of unreimbursed public assistance under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Code Section 19-11-5 of the Official Code of Georgia Annotated, relating to debt to state created by payment of public assistance, is amended by striking such Code section in its entirety and inserting in lieu thereof the following:

"19-11-5.

(a) The payment of public assistance to or on behalf of a child creates a debt due and owing the state by the parent or parents responsible for the support of the child. The amount of the debt is the amount necessary to meet the total needs of the child or children and the person having custody, if included in the public assistance grant, as determined by the department in conformity with the federal Social Security Act; provided, however, that, where a court has ordered child support incident to a final divorce or in a criminal proceeding for nonsupport or where the responsible parent has entered into a legally enforceable and binding agreement, the debt created shall be equal to the amount set in such decree, order, hearing, or agreement.

(b) The department, in accordance with rules established by the Board of Human Resources, shall be authorized to waive, reduce, or negotiate the payment of unreimbursed public assistance if it is determined that good cause for nonpayment exists or that enforcement of the claim would result in substantial and unreasonable hardship to the parent or parents responsible for the support of the child against whom the claim exists. The rules established by the Board of Human Resources shall consider the ability of the responsible party to support the child or children during the period that public assistance

was provided and the current history of regularity of payment by the responsible party. This subsection shall not apply to any court order or decree requiring the repayment of public assistance; however, the department is authorized to petition the court for consideration of a modification of an order or decree based on factors contained in this subsection and in the rules established by the Board of Human Resources relating to such unreimbursed public assistance."

## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.